

RESTORATION PROCLAMATION

BEAR RIVER IN SUMMIT, RICH, CACHE AND BOX ELDER COUNTIES

Whereas, in order to preserve the surplus and unappropriated water of the Bear River and its tributaries for use by irrigation districts and organized agricultural water users and for other uses, the right of appropriation of water from such source was heretofore suspended by Proclamation of the Governor of the State of Utah under date of November 9, 1938, pursuant to Section 100-8-1, Revised Statutes of Utah 1933, as amended by Chapter 130, Laws of Utah, 1937, now Section 73-6-1, Utah Code Annotated 1953, and

Whereas, said suspension order has been restored in part by proclamations dated April 10, 1946, June 2, 1949, and June 13, 1950, and whereas, it appears that the right of the public to appropriate from underground sources within the drainage area of the Bear River has never been properly or legally suspended and was never intended to be so suspended, and

Whereas, there is no need for further suspension of the right of appropriation of the water of Bear River and all its tributaries and sources and the State Engineer has recommended that the right of appropriation be restored.

Now, therefore, I, J. Bracken Lee, Governor of the State of Utah, upon the recommendation of the State Engineer and pursuant to and by virtue of the authority vested in me as Governor of the State of Utah by Section 73-6-2, Utah Code Annotated, 1953, do hereby restore to the public the right to appropriate the surplus and unappropriated water for any and all lawful purposes within the drainage area of the Bear River and all its tributaries and sources, both surface and underground in Summit, Rich, Cache and Box Elder Counties in Utah.

This proclamation shall not become effective until notice thereof has been published at least once a week for three successive weeks in a newspaper of general circulation within the boundaries of the Bear River drainage area within which the waters so to be restored are situated; provided, that after the first publication of notice as aforesaid, applications may be deposited with the State Engineer and at the time such proclamation becomes effective the State Engineer shall hold public hearings, giving all applicants notice, to determine which applications so filed during the period of publication of such notice are most conducive to the public good, and shall file such applications in the order of priority according to such determination.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, at the State Capitol, Salt Lake City, Utah, this 21st day of September, 1955.

Attest:


J. Bracken Lee, Governor of Utah


Secretary of State